

***Remarks***

Reconsideration of this Application is respectfully requested.

Claims 1-14 and 16-35 are pending in the application, with claims 1, 2, 16, 17, and 29 being the independent claims. Claims 1-14 and 16-35 were rejected. Claims 4, 7, and 18 were objected to because of informalities. Claims 1, 2, 4-7, 10, 13, 14, 16-20, 29, 33, and 35 are sought to be amended. Claim 15 is sought to be cancelled, and claim 36 is sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Claims Objections***

On page 2 of the Office Action, claims 4, 7, and 18 were objected to because each of the claims is missing a period. Applicants note that claims 4, 7, and 18 have been amended accordingly. Applicants respectfully request that the Examiner reconsider and withdraw the objection to these claims.

***Rejections under 35 U.S.C. § 112***

In the Office Action, claims 6, 7, 10, 15, and 20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection with respect to claim 10.

Claims 6, 7, and 20 were rejected because the phrase "performing predetermined operations" contained therein were not supported by the specification. Accordingly, the

"performing predetermined operations" phrase has been removed from claims 6, 7, and 20. Claim 10 has been amended to clearly show the maintenance of synchronization between the databases on the super-peer and the siblings. Applicants note that support for this step can be found on paragraphs 83 and 173-176. Additionally, claim 15 has been cancelled. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 6, 7, 10, and 20.

On page 2 of the Office Action, claims 1-2, 4-7, 13-15, 17, 19, 20, and 33-34 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 33 and 34 were rejected because they contain the phrase "or the like." Applicants note that claim 34 contains no such language, although claim 35 does. Accordingly, claims 33 and 35 have been amended.

Claims 1-2, 6-7, 13, 17, and 20 were rejected because they contain the phrase "and/or." Applicants note that these claims have been amended. Claims 5 and 19 were rejected because the phrase "other data which was previously recorded", contained in them, is allegedly vague. In response, Applicants have amended claims 5 and 19. Claims 14 and 15 were rejected because they contain allegedly vague phrases such as "instructions" and "user specific data". Accordingly, claim 14 was amended to replace the word "instructions" with the word "data". Claim 4 was rejected for allegedly having insufficient antecedent basis. Claim 4 has been amended. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-2, 4-7, 13-15, 17, 19, 20, 33, and 35.

***Rejections under 35 U.S.C. § 102***

On page 4 of the Office Action, claims 1-7, 13, 16-20, 29-34 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,640,241 B1 to Ozzie et al. (hereinafter "Ozzie"). Applicants respectfully traverse this rejection.

Ozzie does not teach or suggest a computing device *as a peer* that is adapted to perform a supervisory or supporting role in relation to other peers *in a peer-to-peer network*. In rejecting claim 1, the Office Action relied on Col. 17 of Ozzie to equate a device presence server 812 of Ozzie to a peer computing device of claim 1. However, according to Fig. 8 and Col. 16, lines 64-67 to Col. 17, lines 1-2 of Ozzie, presence server 812 is not a peer in a peer-to-peer network. Presence server 812 merely serves as a communication conduit to "poll the peers units 802A-D from time to time to obtain their online/offline status. See Fig. 8 and Col. 17, lines 46-48.

Even if the presence server 812 of Ozzie can be considered as a peer, Ozzie does not disclose a peer adapted to perform a supervisory or support role for other peers. Throughout Ozzie the peers are always treated as being identical in capability, function, and objective. This is indicated in Col. 12, line 58-61, where it states: "while a description is provided of components only of peer unit 314a, peer units 314b-d have analogous components, and no separate description of them is necessary."

Accordingly, Ozzie fails to teach or suggest the feature of claim 1 that one device acts as a supervisory peer to other peers. Applicants therefore request that the Examiner reconsider and withdraw the rejection of claim 1.

Independent claims 2, 16, 17, and 29 are also patentable over Ozzie for at least the foregoing reasons. Claims 3-7, 13, 18-20, and 30-34 which depend from claims 2,

17, and 29 are also patentable over Ozzie, alone or in combination, for at least these reasons. Applicants therefore request that the Examiner reconsider and withdraw the rejection of claims 2-7, 13, 16-20, and 29-34.

***Rejections under 35 U.S.C. § 103***

Claims 8-9 and 21-22 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ozzie in view of U.S. Patent No. 6,763,372 B1 to Danie *et al.* (hereinafter Danie). Claims 10-12 and 23-25 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ozzie in view of U.S. Patent No. 6,785,706 B1 to Horman (hereinafter Horman). Claims 14, 15, and 26-28 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ozzie in view of U.S. Patent No. 5,835,726 to Shwed *et al.* (hereinafter Shwed). Claim 35 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ozzie in view of U.S. Patent Application No. 2002/0107786 A1 to Lehmann-Haupt *et al.* (hereinafter Lehmann). Applicants respectfully traverse all of these rejections, and request that the Examiner reconsider and withdraw the rejections.

Claims 8-12, 14, 21-28, and 35 depend from claims 2 and 17. The disclosures of Danie, Horman, Shwed, and Lehmann add nothing to the disclosure of Ozzie to overcome the above discussed deficiencies of the latter with respect to claims 2 and 17. Claims 8-12, 14, 21-28, and 35 are therefore patentable over the Examiner's several combinations of references for at least the reasons presented above. Applicants therefore request that the Examiner reconsider and withdraw the rejection of claims 8-12, 14, 21-28, and 35.

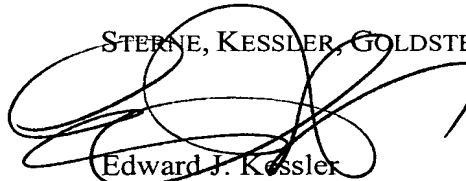
***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward J. Kessler  
Attorney for Applicants  
Registration No. 25,688

Date: May 6, 2005

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600